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[Despatch Abstract.]

Factories - Administration of the Factories Act - and the organisation of Factory Inspection Services - Recommendations of Sir Wilfred Garett - Orders Passed.

GOVERNMENT OF INDIA
Department of Labour.

No.FAC-64(1) Dated New Delhi, the 23rd August 1947.

From:

Rai Bahadur H.Khanna,
Deputy Secretary to the Goverment of India.

To:

All Provincial Governments,
(except Sind and N.W. Frontier Province)

Sir,

Sub:- Administration of the Factories Act and the organisation of Factory Inspection Services.

I am directed to enclose hwerewith ten copies of a report submitted by Sir Wilfrid Garett, lately Chief Adviser, Factories with the Government of India. Following are the important recommendations and suggestions made by him:-

(i) Technical Inspectors should be relieved of the responsibility for enforcement of the provisions relating to payment of wages, holidays with pay and maternity benefits and that these matters should be looked after by another corps of Labour Inspectors leaving the technical Inspectors to concentrate on the provisions relating to safety, health and welfare.

(ii) A start should be made in regard to the appointment of women Inspectors especially fitted to deal with maternity benefits, hours of employment of women and children, including the payment of their wages.

(iii) A full time medical Inspector should be appointed in all Provinces and States who could devote themselves to a study of the ways and means of preventing industrial deseases, e.g. control of dangerous dusts and fumes, and to supervise the provision for first aid.

(iv) The Civil Surgeons should be relieved of duties devolving on them as certifying surgeons and that this work should be entrusted to doctros who would be able to give adquate time to the work. In large centres there may be wholetime medical men and in other centres the work may be entrusted part-time to medical practitioners who may be able to devote the necessary attention to the work.

(v) Medical Boards of specially qualified medical men should be set up to deal with the difficult diagnosis of Silicosis and other lund diseases now included under the wide term Pneumocomiosis

(vi) An organisation should be set up for reasearch into special industrial health problems, a start being made in regard to diseases like anthrax to which workers in the tanner and wool industries are exposed.

(vii) Research should be instituted to ascertain the working temperatures that can be allowed in various industries, a start being made with the textile mills.

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(viii) A medical and ~~social~~ social survey may be instituted to ascertain the loss of efficiency caused to industry through underfeeding, bad housing and other causes.

(ix) An intensive campaign should be therefore instituted for accident prevention and for the education of both employers and workers in safety matters, to teach the former their responsibility for the safety to those whom they employ and the necessity of secure fencing under the special conditions of factory work and to teach the workers a sane approach to the problems of safe working.

(x) There should be a more satisfying and rapid investigation of all serious accidents, as far as this is possible with the staff available

(xi) The Inspectorate should be expanded to the extent necessary to enable the Inspectors to inspect adequately small and medium size factories.

(xii) There should be strict enforcement of provisions relating to the supply of wholesome and cool drinking water with the addition of saline drins where the climate and the process make this necessary, washing and bathing facilities, maintenance of lavatories and water closets in clean condition

(xiii) Factory inspection should be separated from boiler inspection.

(xiv) Inter-change of Inspectors between Provinces might be arranged in order to give the isolated Inspectors an opportunity of studying what is being done in large centres.

(xv) Inspectors should be assured of a suitable status and adequate scales of pay and should be provided wherever necessary, with transport assistance either by the provision of staff cars of the grant of a suitablve conveyance allowance to enable the Inspector to maintain a car of his own.

(xvi) The Inspection Department should be so organised as to ensure that a Junior Inspector is given adequate opportunities of learning his job.

(xvii) The system of statistics now required for the annual reports should be examined by an expert Statistician, so that only those of value might be retained. Responsibility for the maintenance of statistics should be entrusted to a Statistical Department rather than to the technical Inspectors, so that the latter may give more attention to statistics of acciedents and industrial diseases.

(xviii) Ex-officio Inspectors should ordinarily confine their attention to ascertaining that the instruction given by the Factory Inspector were carried out and that this limitation of functions should also be made clear to the management

(Xix) The attention of the Magistrates should be drawn to the necessity for a strict enforcement of the Factory Law. Greater value might be obtained by classifying the accidents according to the machines or parts of machines or process that are the cause of the injury, ~~XXXXXXXXXXXXX~~ thus enabling the Inspector to identify and attach the source of the injury, thus enabling the

~~Inspector~~ (Cont.)

Inspector to identify and attack the source of danger. In this connection, the methods of classification adopted by the International Labour Office might be studied by the Advisory Branch, assisted by Statistician and recommendations made.

(xx) Management of factories should pay greater attention to the provision of amenities and safeguards and the appointment of suitable officers to look after the welfare amenities, like sanitation, ration shops, canteens, creche, a fari administration of the maternity, benefits, holidays with pay, urgent attention to workers' grievances.

(xxi) A proper system of recruitment of labour should be instituted and the jobbing and contractor systems of labour should be eliminated.

2. The Chief Adviser, Factories, has been requested to submit detailed proposals to give effect to the recommendations contained in items (vii) and (ix). The Government of India have under their consideration what type of organisation should be set up to conduct research into industrial health problems. The Chief Adviser, Factories with the Government of India and the Director, Labour Bureau, have bee asked to examine, in consultation with the Chief Inspectors of Factories, the proposals made at item (xvii). The suggestions at item (xx) are for employers to act upon and their specific attention is being invited to them. The Government of India have also under their examination the question of elimin ting the jobbing and contractors systems of labour, or where such elimination is not feasible, what regulatory action should be taken to protect the workers against exploitation. I am to enquire whether the Provincial Governments have any suggestions to make in regard to these matters

3. Action in respect of other items lies within the Provincial field. Items (i) to (iii), (ix),(xiii) (xiv) and (xv) relate to the organisation of the Inspection service. in this connection, I am to point out that the necessity for the employment of a sufficient number of officers secure a proper and adequate enforcement of the factories Act and other provisions designed for the protection of workers was fully, appreciated by the Provincial Ministers and representatives when this question was discussed at the first Labour Ministers' Conference held in October 1946. Items (x) and (xii) refer to the necessity for the frequency of inspections and the urgency and importance of securing a strict enforcement of the provisions of the law relating to the health and welfare of workers. When the Report of th Labour Investigation Committee and the action proposed to be taken thereon was discussed at the last meeting of the India Labour Conference in April last, workers' representatives we particularly insistent ~~that~~ that immediate action should be taken to secure a strict enforcement of the provisons relating to the health and welfare of workers. The emphasized that a strict enforcement of the Factories act would go a considerable way in eliminating a number of day-to-day irritation caused by bad working conditions and the absence of essentia amenities. I am also to bring to the specific notice of the Provincial Governments and suggestions at item (xix) that th attention of the Magistrates and Judges should be invited to the necessity for securing a strict enforcement of the Factory Law. Items (xvi) and (xvii) relate to matters affecting the internal organisation of Provincial Inspection Departments. I am to request that these and other recommendations should be given careful consideration. If the Provincial Governments have no objection, I am to ask that theat the Government of India may kindly be informed of

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~~informed of~~ the action taken on these recommendations.

I have the honour to be,
Sir,
Yours most obedient Servant,

(H.Khanna)
Deputy Secretary to the Government of India.

Copies to the Chief Adviser Factories, Director Labour Bureau and the Chief Labour Commissioner.

P.N.Sharma)
Assistant Secretary to the Government of India.

GOVERNMENT OF INDIA
DEPARTMENT OF LABOUR.

ADMINISTRATION OF THE FACTORIES ACT AND THE ORGANISATION OF FACTORY INSPECTION SERVICES IN INDIA.

A REPORT BY

SIR WILFRID GARRETT, Kt.
Chief Adviser, Factories, Government of India, and lately His Majesty's Chief Inspector of Factories in the United Kingdom

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1. During my seven months in India I have been engaged mainly in New Delhi in helping in the drafting of a revised Factories Bill and incompleting the organisation of the new Branch of the Labour Department known as the Factories Advisers Branch. In addition, I have visited over 100 factories, housing estates, creches and other places concerned with the ultimate welfare of the persons employed in factories ; these were situated in Calcutta, Bombay, Caunpore, Jamshedupur and in some villages and adjacent to these towns. I have also had the privilege of seeing many factories in the State of Mysore.

I have takn the opportunity of reading many reports, either before coming to India or during my stay here, including those of the Royal Commission of 1929-31, the Bhore Report, the Bihar Report and those prepared on various industries under the recommendations of the tripartite Labour Conference. I have be also had the privilege of discussion the propblems with which I have been concerned, with the officers of other Departments, particularly those of the Health Department, many of the heads of Departments of various Institutes of Sceince and Technology as well as representatives of Industry and of Trade Unions. To all these I tender my thanks for their help and for the information they have given me.

Apart from the specific work indicated above I have felt that my chief concern was to advise on the improvement of the administration of the Factory Acts and to this I devote most of this report.

In the following paragraphs I have set out both my impressions of the working conditions in factories and also the defects, if any, that, I think, exist and my proposals for remedying them as far as my short experience has enabled me to come to any conclusionss. To clarify

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~~clarify~~ these impressions I divide my remarks under the various heads that are now accepted as coming within the jurisdiction of Inspectors of Factories i.e.

Hours of Work and kindred legislation:

Health:-

Safety of machinery and structures:

Welfare amenities within the factory:

2. Hours of work and kindred legislation

I have not had the opportunities I would have wished to see the actual methods of Inspections that Inspectors adopt in enforcing this legislation, but I have had advantages of intimate discussion with Chief Inspectors and with the excellent body of young Inspectors who came to the inaugural training courses at Delhi during February and March. I was impressed ~~[illegible]~~ immediately by the weight of legislation that Inspectors have to enforce in this field. A mrer catalogue of the special Acts and sections of the Factories Act is almost overwhelming.

The Hours of employment of Adult males, Women and Children.
Weekly holidays and Compensatory Holidays.

Holidays with pay and extra payments for overtime.

Payment of Wages Act.

Maternity Benefits Act.

To this weight of legislation is added the difficulties of enforcing some of these Acts as they stand at present. For instance adults are still allowed to be employed in multiple or overlapping shifts, a condition which some othercountries have found impossible to administration especially in cases where wages are low and therfore, there is apt to be collusion between the worker and his employer to enable the former to add to his meagre wages by working long and illegal hours.

Again, all my informants agree that excessive hours of work and breaches of many of the acts named above are more prevalent in the smaller factories and that the evils which these Acts are designed to remedy are more prevalent in those work-places that are not at present covered by the definition of a factory. The fact must be faced that this is likely to be the case and that stricter enforcement of this legislation in the larger works will tend to drive the unorganised adult males, women and children into these smaller works. Still, in my opinion, the protection of this legislation must be given to these workers, even if for a time it may be impossible to evolve fully the necessary machinery for enforcement. I would ask, however, for firm administration as early as possible both for the inherent value of this protection and for the following reason; in my opinion the importance of firm administration of this legislation cannot be exaggereted because it coveres points that are understood easily both by employers and workers and until they see these provisions administered firmly they will not have confidence that the other parts of the Act, concerned with Health and Safety, which are more difficult for them to understand, are having the attention they deserve. This is the point I think of criticism of Inspectors in one of the.....

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the published reports that they give more attention to the technical aspects of inspection then to the human aspect such as employment, hours of work and Working Conditions. It may well that even the critic did not understand the technical aspects. To me the conditions of work must be put right but not at the negelct of the technical matters that may be matters of life and death without the workers being aware of the danger.

Three methods of overcoming the difficulties of excess of duties of Inspectors in this connection suggestion themselves:

(1) The relief of the Technical Inspectors from all matters concerned with payment of Wages, Holidays with pay and maternity Benfits and the appointment of another corps of Labour Inspectors to understand take this work.

(2) The appointment of a Junior Grade of Inspector whose duty would be mainly confined to enforcing these provisions and hours of employment.

(3) The appointment of a larger staff including women inspectors who would, in the first place, give their attention to these matters for which they are especially fitted, but would in time take their place with the ordinary Inspector and cover all the duties.

The arguments for and against these methods are as follows:

(1) The size of the country, the wide dispersal of many factories over large areas and the difficulties of travel are against the adoption of a separate corps of Inspectors especially at the present size stage of development of Industry in India, though I can see this work particularly all that is concerned with wages, passing naturally to such a corps under the control, direction or advice of the Labour Commissioners sometime in the near future. The Nuclsus of a Labour Welfare Staff that is already coming into being in some Provinces and States may be another means of relieving Inspectors of some of these duties.

(2) The opinion of the Chief Inspectors was against the appointment of a junior grade such as is envisaged in (2) above, their argument that weighed with me was that such a grade would lower the status of Inspectors in this country and I give below my reasons why this should be avoided at all costs.

(3) The immediate solution that I recommend is, therefore an increase of the present staff and, in particular, the appointment of women Inspectors, who are especially fitted to deal with Maternity Benefits, Housrs of employment of women and children including the payment of their wages. With this preliminary training I look forward to the day when women will take their full place on the technical side as well as carrying this special weight, as women already do so successfully in the United Kingdom.

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My main criticism of the actual conditions as I have seen them in Indian factories is the lack of attention given to the prevention of Industrial diseases and this is in part due to defects in the present law. I have seen an Electrical Accumulator Works (Where there is a grave lead poisoning risk) where no precautions whether.....

whether whatever taken, and as far as I could judge the manager was ignorant of the risk; as far as a laymen in medical matters could determine, every worker engaged in a lead process was absorbing lead to a dangerous degree. I have seen sandblasting carried out without the most elementary precautions either by the substitution of the dangerous sand by steel shot, by the enclosure of the apparatus, or by the provison of exhaust draught ventilation. I have seen Chromate workers showing open chrome sores visible again even to the laymen in medicine; In many cases acid fumes were uncontrolled and in at least one factory statistics were available of cases of conjunctivitis numbering upwards of five hundred per annum in a process where only a small number of persons was employed. Generally there was a neglect of the elementary precautions that are now accepted as necessary for the protection of the workers in the way of sustitution of safe for dangerous materials or processes, provision of exhaust draught, protective clothing, washing and bathing facilities and the like.

In particular I would emphasise the necessity of attention being given to the control of dangerous dust and fumes. In some cases this can be accomplished by complete enclosure of the machine or process but in general it required the removal of the dangerous dust or fumes at the point of origin by means of exhaust draught produced either by natural means, or by a pressure fan. The general principle is simple and is based on the 'fume cupboard' principle found in every chemical laboratory, but I still find, even ventilating engineers attended to the idea that if the dust or fume is sufficiently diluted all will be wel The whole idea of the fume cupboard' method is to prevent as far as possible any of the dust of fume reaching the atme. atmosphere that is breathed by the worker and this must be th standard asked at in allworks even if the 'fume cupboard' may occasionally be as large as an ordinary room. In most cases the object can be accomplished by hoods properly constructed to enclose the source of origin and with proper fans and ducts for carrying the fumes away.

I have emphasised this point of exhaust draught ventilation because it is the chief scope of the engineer in implementing the health provisions of the Act. I would remind engineers that the fact that they are expert in their own particular line does not make them good ventilating engineers and I would also remind Doctors that they are not ventilating engineers. I also emphasise these facts because I have not seen in India one installation of proper design outside the large steel and similar plants and even some installations in large plants are not free from errors in design The only method to obtain results in an ordinary works is to employ a competent ventilating engineer and to have the drawings checked by the factory

The improvement in the immedate control of these conditions I have dealt with under the training of Inspectors in para 6 below, but my main recommendation must be the early appointment of a medical Inspector in all provinces and States.

Advisedly I say a full time medical Inspector because my experience is that this branch of preventive medicine is not sufficiently understood by the Doctor in ordinary practice and that specialist training is nece ssary. A very few large firms already have Doctors who are either so trained or have picked up the necessary specialist knowledge during the course of their work and as far as I have seen they are fully employed in the specialist work. In addition many firms have Medical Men on their staff but these, a-

as far as I have seen, are so fully employed in attending to the ordinary ills of the workers and their families that they never have time to enter the factory to advise on the prevention of Industrial diseases or on another matters connected with the workrooms or processes that may affect the workers health. I have hopes that with the legislation on public health already before the Legislature these Doctors will be relieved of so much of their present work that they will have time to give attention to industrial diseases and to exercise that function of Industrial Medicine which has become known as industural Medical Supervision as well as to supervise the provision for First Aid required by Law.

Again I would ask that these Doctors should be trained for this specialist work. It is hoped that the Universities in close collaboration with the Health Department and the Research Institutions concerned will see their way to promote post-graduate Courses both for the training of Medical Inspectors, Certifying Surgeons and the Doctors employed in individual factories.

In this connection I would also suggest that the time has come to remedy the present system of appointment of Certifying Surgeons under the Factories Act. In the revised Bill now before the Legislature it is proposed that the duties of these Suggeons should be extended to cover routine periodic examinations of all workers in specified dangerous trades as well as to make the supervision of greater value to the young workers in Industry. There is considerable criticism at present of the methods by which the examination of children and adolescents is carried out. I think it does arise largely in those wide areas where this duty devolves on to the Civil Surgeon. In most instances this officer is of such high rank in his profession that he cannot afford to give he necessary time to routine work of this character. He is often not interested and in any case this work must, in his opinion come after the many other important appointments and work to which he must give attention. In my opinion better results would be obtained if Certifying Surgeons were chosen from civilian Medical Practitioners in general practice who would give part of their time to this work This would mean the appointment of a very large number each to cover a much smaller district, and the scheme need not in erfere with the system of whole-time appointments that have proved satisfactory in a few large centres, I only ask that the work of these full-time certifying surgeons should not be combined with that of the Medical Inspector mentioned above. The latter must be relieved of routine work of the kind performed by the Certifying Surgeons and able to devote his time to inspection and to the supervising and helping of the Certifying Surgeons in the various towns and districts. In order that both the Government and the Medical Profession may know the extent of the problem concerned with Industrial diseases I recommend that legal power be taken to compel the reporting of all cases of specified industrial dieseases under the Facotires Act.

Though outside my terms of reference this might be the appropriate place to mention the great value from the point of view of protecting the health of workers in certain dangerous trades, that will accrue from the appointment by the Health ~~Authrotie~~Authorities of Medical Boards of specially qualified Medical men

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mento deal with the diffault diagnosis of silicosis and other lung diseases now included under the wider term of Pneumoconiosis. The State of Mysore already has such a Board and it is hoped that similar boards for other Provinces and States will come into being under the new Workmens' compensation and Health Legislations.

I would also dare refer to the necessity for research into the special industrial health problems of India. I would ask that in the first case these researches should give special attention to Indian problems even if these may appear at first sight to be elementary. As an example may I mention my misgivings concerning cases of Anthrax in the tannery and wool industries. I am assured there are no cases. I would like this verified by the examination of the materials for active anthrax spores and to be given a scientific assurance that cases are not overlooked because the worker concerned returns to his village and escapes observation. ~~Another~~

Another field for research is towards an authoritat statement on the working temperatures that can be allowed in textile mills in order that architects, engineers and Factory Inspectors can reconsider menas of ventilation in these mills as well as the protection of the workers from excessive heat in these and other factories. Apart from these direct researches there is a wide field of research into the loss of efficiency caused in Industry through under feeding and bad housing. A Medical and Social Surve; in this field might suggest a cause and a remedy for the inefficiency of certain branches of India labour that is s(widely discussed at the present time.

SAFETY OF MACHINERY AND STRUCTURES

In considering this part of the Act, I have been deeply mystified by the statistics of accidents in factories that I have been able to study as compared with the conditions I have found in several works. Though the basis of reporting of accidents differs in some degree from that in other countries it is possible to make some comparisons. The statistics I have seen do not show a percentage of accidents either fatal or non-fatal which is above that found in the factories of the Industrial nationals of the West. The only adverse point that these statistics shows is, in some Provinces, a higher proportion of accidents on power driven machinery (accidents that are generally severe and often cause mutilation).

Yet in the factories I see machinery and details of plant that in the United Kingdom., at any rate. would take a heavy toll in accidents. A leading industrialist puts forward as the explanation the fact that the Asian (Asiatic) has a quicker perception of his nearness to any object and, therefore, to angerous machinery. If there were not so many other pressing subjects this would be a most interesting line of enquiry and research. My own ~~experience~~ experience gives me no help in this direction.

I would suggest that the following causes are more likely to weigh against the proportion of accidents to numbers employed being heavy in India.

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(1) The admittedly larger numbers employed on a given process. As these numbers include sweepers and other who are not exposed to the risks of the process or to the handling of goods, the number of accidents per 1,000 employed will be decreased.

(2) The slower tempo of work in this country, this is very noticeable in watching work on such dangerous machines as power presses, guillotines and the like

(3) The lighter clothing of a tropical country may make any accident due to entanglement of clothhing much less severe because the clohting will tear away.

4) The illiteracy of so many occupiers of small factor the lack of power in Trade Unions and the general state of public opinion on industrial matters all make for the non-industrial matters all make for t non-reporting of accidents. While in the West the pressure of public opinion and familiarity with Workmen's Compensation and Factory Acts have secur that practically every accident is now reported.

Though I have no statistics to justify the statement I still fear that in this country the failure to report accidents is the main cause of the favourable rates I have seen.

The actual conditions as found in many factories me to expect accidents both numerous and severe. These remarks do not apply in general to textile factories or ot factories where modern stadardised machinery is largely i use. My only criticism in the case of these larger ea factories is that the sageguards, interlocking devices etc. are often found out of action,. My expectation of heavy rates of accidents would be , in general, in the small and medium sized factories,(Where still the larger number of persons are probably employed.) and I could giv the following as some of the reasons for this opinion:-

(1) After being assured by all concerned that such accidents did not occur, my staff or mysel have had a little evidence of accidents on rubber rolls, platen machines and guillotines.

(2) In spite of the greatest pressure by Inspector over many years and study by Committees of technical experts with Inspectors, Powers presses and milling machines still average about 1,000 accidents per year on each of these types of machines in the United Kingdom and yet I have not seen one of the se machines properly guarded in India; admittedly the numbers in use here are still amsll, but these numbers will certainly increase in the future and again we h had some evidence that accidents do occur.

My recommendations for dealing with these matters are mentioned in other paragraphs of this report but they can summarised shortly under the following hea

(1) Extension of the Inspectorate to enable them to deal with the small and medium sized factories;

(2) More complete and rapid investigation of all serious accidents by Inspectors as far as i is possible with the staff available;

(3) An intensive campaign on accident prevention or 'Safety first' lines in the education of both employers and of workers, to teach the former their responsibility for the safety of those whom they employ and the necessity of secure fencing under the special conditions of factory work and to teach the worker a sane approach to the problems of safe working, Such a campaign may well be initiated by the Central Advisory Branch.

5. Welfare Amenities within the factory.

The importance of attention to those sections of the Act that deal with Welfare is something that must be brought forcibly to the notice of managers. So important are these amenities in a tropicao country that some of the matters generally dealt with under the head of welfare in colder countries can here will be placed under those requirements necessary for health, Amongst these I would place first the provision of wholesome and cool drinking water, with the addition of saline drinks where the climate and the process make these necessary.

Apart from this all these Welfare procisions come under the day to day notice of every worker and their non-provision or neglect irk them daily. It is not sufficient to say, as is so often done in this and other countries that even if provision is made the workers will not use them. The pathetic attempts one sees, both inside and outside the factories, of workers attempting to wash and bathe at stand pipes and even drinking water taps show that they are only too anxious to use propar bathing and washing facilities if these are provided.

The standard of upkeep and supervision is here of as great importance as in the fencing of machinery or in the protection against industrial diseases. As I have said elsewhere, it is not an exciting job to see that the latrines are clean, but neither in this country nor in any other country, will they be clean unless someone in authority visits them daily and see that the necessary work has been done.

As far as I have been able to check, the actual numbers of latrines in most factories are sufficient but they are often inconveniently placed and, in many cases, the standard of cleanliness and upkeep is far from satisfactory. As regards drinking water this is often insufficient in quantity and the accessibility of the supply is in many cases defective The same remarks apply to washing and bathing facilities: I was also struck with the absence of privacy for women in this connection. In general the criticism I have to offer of the welfare amenities already provided is that the provision made in most cases is far too small to accommodate reasonably the numbers who are likely to use the facilities when consideration is given to the total number employed.

Strong administration will be necessary to implement the requirements of these sections in the revised Act and I would ask managements not to be neggardly in the provisions made for canteens, creches and fo the matters mentioned above. First cost in this connection will be a small matter compared with

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~~with~~ the constant extensions that will be required by public opinion and by the pressure of the workers once their value is appreciated. It often takes a generation for workers to appreciate fully the advantages of these amenities and to make full use of them, but once these advantages are appreciated there is no going back but rather an advance from year to year.

If the factory is too large for these matters to com directly under the supervision of the manager then the only method of ensuring proper attention is by the appointment of a Welfare Officer and making this one of his duties. In a large factory this work naturally comes under one section of the Labour of Personnal Department and is dealt with further in para 9 where I discuss the value of such a Department.

6. <u>The administrat on of the Factories Acts and Kindred Legislation. The Inspecting Staff.</u>

I have met the Chief Inspectors and many members c their staff. I have found them keen on their work, in no way resentful of criticism, and in all cases I have received from them the greatest help and country in spite of the fact that they knew that my duty must involve some criticism of their methods. They were all aware of the criticism that had appeared in some recent reports, were full of self-criticism, and ready to learn any-thing that would lead to greater efficiency.

In t is paragraph I put forward certain details of the work tha, in my opinion, may have led to this criticism and also my suggestions for making the Inspectors' work more efficient:-

(1) The fact that the Act in general at present only cover the larger factories (those using power and employing more than 20 persons) means that the Act does not, in fact, give Inspectors any power to deal ~~that the Act~~ with the small factory where the worseconditions obtain, and where women and children are more likely to be employed... The critics see the bad conditions in these smaller works and even if they recognise the legal limitations, their criticsm is likely to be influenced by the facts as they see them.

The revised Bill as drafted will overcome the difficulty and in spite of the immense labour of administration involved, ~~be~~ the extension of the Act in justified in fairness to the people employed in these small works who have, as far as I can see, no other protection either through trade Unions or through any other means.

(2) The Inspectors, in many cases, are grossly overburdened with work. Apart from the many duties that fall upon them under the Factory and kindred Acts, many of them are responsible for the inspection of Boilers, t he enforcement of the Electricity Acts, both as regards installation and safety, and, in atleast a few cases, are responsible for smoke nuisance inspection.

In one State a Chief Inspector, 2 other Inspect and a Junior recently appointed, are responsible fo 700 boilers as well asfor 700 factories, and in ano case two Inspectors are responsible for 200 boilers

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~~boilers~~ as well as the Electricity Acts and factory Acts.- It is natural that Inspctors in these cases give their first attention to boilers because of the dire results if things go wrong and in consequence Factory Inspection must take second place and be the first duty to be neglected.

In a large Province or State where industrial development is small and the work is scattered widely, I see the advantage from the financial point of view in having these various duties carried by t he same inspector, but in such cases, the whole of the work involved must be considered in the allocation of the staff necessary to cover all the duties and the staff must be such that the necessary time is allotted to Factory Inspection

(3) Probably due to the fact that they have these other duties, all the Inspectors are engineers, in consequence the staff has not the advantage of that admixture of other professions, Medicals, Chemists, etc. that makes for good team work a d a broad conception of their work. I would recommend strongly the broadening of the basis from which Inspectors are chosen.

(4) I find the young Inspectors deficient in back-ground through lack of training. Being a trained engineer does not, of necessity, make a good factory Inspector. The best way of looking at the position is that whatever the preliminary training (and engineering is that best for the majority of the staff) an Inspector is coming into a new profession in which ~~h~~the there is much to learn. Factory Inspector is a live profession always improving its technicque under the researches and work carried ou. by all concerned (research workers, managers and Inspectors) in all the industrial nations of the world. If an Inspector is to do his work properly he must be up-to-date concerning these advances otherwise he wil be administering his own opinions. This standard can only be obtained by giving the young Inspector a broad general training and having an ~~orgai~~organised system for supplying him with knowledge in his busy day to day work. Without this training the young Inspector lacks background concerning the history of Labour Legislation both in his own and other countries, and in complementary legislation that concerns his job. Without these he has not these broad knowledge of where industrial hasards must be looked for and thus he cannot act as the eyes and ears of his Department for advancement of the law.

All this can only be overcome by a system of training courses, it is hoped that in the future it will be possible for the Advisory Branch to give such courses not only to all new Inspectors but also refresher courses to all Inspectors in post.

(5) In India the necessity for this training is accentuated by t he smallness of the staff and, in many cases, their remoteness from one another. This isolation tends again to an Inspector enforcing his own opinions rather than good practice. In a small Province or State it is quite likely that an Inspector has only one factory carrying on a particular process and he has not even the advantage of

~~advantage of~~ comparing one factory against another. I suggest that the defects of this system could be overcome by an arrangement between the Provinces and States for the occasional interchange of Inspectors in order to give the isolated Inspector and opportunity of studying what is being done in the larger centres. I am assured that, with a judicious choice, the language difficulty can easily be overcome. I am sure such an interchange would make for efficiency

(6) I have no criticism to offer on the present method of choosing Inspectors, but I would recommend that more emphasis should be placed on character and personality which go so very far in the making of a good inspector.

(7) It is not for me to say how the Inspector should be paid, but I would emphasise that results will not be obtained from an inspecting staff unless they are given that status that willenable them to meet on equal terms Managers of firms who may at times be hostile and difficulty. During the few visits I have made I have noticed an absence of proper treatment of Inspectors on the part of some managers that was not to the credit either on the part of some managers that was not to the credit either of their manners or their dignity. Salaries have something to do with this, both in giging the right status and in attracting the right type of men to the posts. It would be of the very greatest advantage if a scale of salaries could be worked out that would apply to all Inspectors throughout India, and the incentive of promotion could also become something of great value if inspectors could be transferred from Provinces to State and vice-cersa. I would recommend therefore that the salary scales should be revised particularly in the junior grades and if possible, that the interchange of Inspectors on promotion should be considered.

Practically the same remarks apply to travelling expenses and subsistence allowances. These should be on a scale that will ensure that the keen Inspector is not out of pocket when he does his work with efficiency. In such a large country and in work where surprise visits are essential, a system of indenpendent transport by motor-car is the best solution and I can only ask that the suggestion should be considered.

(8) The question of status also enters into the efficiency and value of the work of the Chief Inspectors and of the Senior Inspectors. I was surprised to read a report on amenities in the Cotton Industry by a Committee which did not include an Inspector of Factories not, as far as I could see, had one been called before the Committee to give evidence and this report was published under the aegis of the Government. From another Government report I quote as follows: 'Work in the grinding house or the mixing room without masks is bound to lead to Sillicosis Masks are not provided for those using poisonous ~~chemi~~ chemicals in the colouring process.' Masks as suggested here are not the proper solution in routine work particularly in a tropical country. Is it not a pity that such mistake are made in otherwise excellent reports because the expert advise that could be given by Chief Inspectors is either unknown or unrecognised?

It is not for me to suggest, and I only do so in case it may be thought that I have omitted the abvious, that in the question of status, the greates t help of all comes from the manifest support from the Government and the Minister responsible. Some times it is not appreciated by those in high

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~~high~~ authority how much Inspectors and others are helped in their work by being made to feel that their work is worth while as a service to the community and is appreciated by these whom it is their duty to serve.

7-. Concerning the actual routine work of the Inspectors ~~in~~ I have some suggestions to offer that, I think, could make for greater efficiency.

(1) I agree with the criticism in a recent report, that Inspectors of sufficient seniority, sh ould be stationed away from the Chief Inspectors' centre where there are towns of sufficient industrial importance to justify a separate district. Such isolation should now, however, be carried too far. These Inspectors should report to their Chief Inspector at least monthly as well a s keeping in touch with him by special reports concerning prosecutions and important occurences.

(2) The young Inspector should at first be attached to the Headquaters and should report to his Chief Inspector weekly on every visit paid. For the sake of training these reports should be gone through carefully by the Chief Inspector or a senior Inspector in the presence of the junior. A system that would make for thoroughness also is to insist that for the first two years every sized factory and report fully on every pahse of the Acts that have to be administered as seen in that factory. These reports should also be made the subject of discussion and criticism as suggested above.

(3) The method of informing the manager or occupier of the factory of the breaches of the Act discovered at the time of visit might well be overhauled. In a recent published report I have seen criticism of the entries made by an Inspector in the Inspections Book and I have seen some of these entries that were not free from criticism. It should be made clear, preferably by printed notice in the book, that the entries in this book are only the main breaches of the Act that were discovered and those that require immediate attention, but that the entries so made are subject to confirmation and possibly correction in a written communication that will be sent in a a few days. In general such letters are sent but the system should be made to apply every where.

(4) The system of statistics now required for the Annual Reports might well be overhauled by an expert statistician, and only those that are of value retained. Even if some of those now demanded are still considered necessary they might well be handled by a statistical department rather than by the Chief Inspector. This would enable the Inspecting Staff to give more attention to the statistics of accidents and industrial diseases. In my opinion facts of greater value would be obtained by classifying the accidents according to the machines or parts of the machines orprovesses that are the cause of the injury and thus enabling the Insp ctor to indentify and attack the source of danger. In this connection the methods of classification adopted by the International Labour Office might be studied by the Advisory Branch

(Contd.)

assisted by statisticians and recommendations made.

(5) I have heard some criticism of the system of ex-officio Inspectors that exists in India. That it has its dangers must be admitted. I have been told of a case where o of these officials visited a factory and gave some instructio about hours of employment. While, there he is said to have stood across a low unfenced shafting that, within a few days was the caus of a fatal accident. The fact that the factory had been visited was of course, quoted by the occupier as an excuse for the breach of the Act. With the isolation of many works, however, I feel that the system does justify itself but I would recommend that in technical matters these ex-officio Inspectors should confine their attentions to ascertaining that the instructions last given by the Factory Inspectors were carried out and that this limitation of function should also be made clear to the management.

(6) have had complaints from various courses of the la support of Inspectors in the Courts and of the imposition of mere nominal penalities in proved cases of serious importance the persons employed. This decreases respect for the law on part of the managers concerned and makes for continued offenc without remedy, over a long period. All industrial nations go through this stage and the increased support comes with th growth of public opinion in respect for the law and as to the importance of the workers in that economy of the nation and with recognition by the Magistrates of the importance of this protection to the worker. Anything that can be done to hsten these advances will certainly make for the well being of all employed in factories. As an immediate step I recommend that the attention of Magistrates might be drawn to the increased necessity of a strict enforcement of this law in a country where ~~XXXXXXXXXXXXXXXXXXXX~~ industiralisation is increasing so rapidly.

8. <u>The organisation within the Factory</u>.

A system of inspection alone, can never obtain the full compliance with labour legislation that is necessary bef the workers in our factories reap the full benefits of the law enacted for their protection. A fuller knowledge of the reasons for these laws on the part of both employers and employed and a desire to accept them in the spriti as well as in the letter must be there. In the case of the Factory Act: as this spirit grows the factory inspector becomes more and more the adviser and the friend of both sides; he must becomes more efficient as his work becomes more important because of the calls that come to him for the best advice fr more and more progressive firms.

As I have stated above the weakness I have seen i many works in this country is the lack of supervision; the necessary amenities and safeguards are provided but there was proof in many cases that they had fallen out of use and that it did not appear to be anyone's responsibility to see that they were used. As an example , of those we have seen in one cotton mill have we been convinced that the vacum exhaust for card stripping was being fully and conscientious use. (May I add that in this particular mill the ~~standard~~ standard reached were much superior to the average of even the best ~~guards are on the machi~~ mills in the United Kingdom

In the same way we have seen that interlock guards are on th machines but not being used, that an exhaust draught system has not been cleaned for weeks. In each case we were assur that these were temporary breakdowns, but managers should remembers that trained inspectorsare not thus deceived.

Until it is realised that it is as much the duty of the manager to see that these things have attention as it is for him to produce goods, little progress will be made towards a higher standard. I am not suggestions that in a large works it is the duty of the manager actually to see th these matters, but he must see that it is someone's duty and boh the directorate and the management must make it plain that they expect this duty to be carried out. In the medium sized factory it may be the duty of a Welfare Officer and in large concerns this work will naturally fall to one of the branches of the Labour or Personnel Department.

9. Personnel of Labour Management.

I am conviced that the factories of India are lagging ~~XXXXXXX~~ for behind other Industrial nations in the use they are making of this branch of management and I would ask for serious consideration to be given to the question. There are a few honourable exceptions where a right attitude is adopted by the directorate and good work is being done by the Officers of such a Department but from what I have seen in the attitude of many firms in their dealings with Trade Unions, in their methods of handling such subjects as Holidays with Pay and Kindred subjects, I would say that they have no conception of the progress made in the study of this branch of management in the other industrial nations or if the progress made is known, they have certainly made little effort to take advantage of that progress in their individual factories. As I have said elsewhere this side of management in other industrial countries is no longer looked upon as philanthropy - it is considered essential for the conduct of affairs within the factory - and honerstly I have seen some practice in India, even in large firms, concerning the handling of labour, that in other countries would now just be considered bad business.

The scope in the upper reaches of this side of management in India is practically limitless, in dealing with Trade Unions on fair and equitable terms, in studying the attitude of labour in the factories and perhaps most important of all, at present, the influencing and directing of right attitude of mind on the part of directors and managers towards these problems. As a simple illustration is there any hope of eventually overcoming the evils, of which I read, in the jobbing and contracting systems of labour except through engagement of labour by a proper department within the factory in touch with Labour Exchanges as the source of labour supply.

But even on the physical side there is so much to be done; in the control and improvement of houses sanitation, ration shops canteens and creches us will as in the provision and control of the physical amenities required by the Factories Act, the fair administration of the Maternity Benefits Act. Holidays with pay and Wages Act and the routine attention to workers' grievances. All these concern intimately the day to day confort of the individual worker and attention to them, and the fact that the worker knows that they are having attention, will go far towards the building up of a contented labour force.

With all this I hope will grow within the factor those Works Committees which, apart from their wider duties will deal with safety and other kidnred subjects. If developed on sound lines and with the assistnce and concurrence of the Trade Unions concerned these Committees can make not only for sounc and improved methods of prdduction but also be a great source of educa- in all the difficulties that beset industrial pro-

In order that they may have the necessary breadth of outlook the men and women engaged on this side of management must be well trained. Arrangements are already i hand for this training to be given in India and it is hoped that full advantage will be taken by Industry of the facilities that will shortly be available. At this particular juncture of industrial development in India I can suggest nothing that will be of greater importance than the development of a sound idea of this branch of management with all the large factories and the carrying out of the ideas of such management even in the similar factories of this Country.

10. Summary of Recommendations:-

1. Increase of the Factory Inspectorate and in particular the appointment of women Inspectors. Para 2.

2. The appointment of Medical Inspectors and the reform of the appointment of certifying Surgeons. para 3.

3. The necessity of research into Industrial Health problems. para 3.

4. Improvement in methods for the prevention of accidents and the improvement in the statistics concerning this subject. para 4.

5. Improvement in Welfare amenities within the factory and the supervision of the provision made para 5.

6. Improvement in the Inspection Staff by release from other duties where possible and improvement in training, pay and status. para 6.

7. Improvement in methods of work of the Inspectors and in the collection of statistics. para 7.

8. Organisation within the Factory
   Strict supervision para 8.
   Personnel or Labour Management. para 9.

11. Finally, Sir, I cannot conclude this report without expressing my gratitude to the Government of India for t is opportunity of seeing something of Industry. My thanks are due to your personally f or your unfailing help and countesy and this remark applies equally to all the members of your staff. In particular I wish to thank every member of the Advisory Branch for their loyalty and support. From the people of India, whom I have been priveleged to meet. I have received nothing but warm hospitality and the greatest kindness. I have made many f riends and return to England much the richer from a most invigorating experience.

GOVERNMENT OF MADRAS

ABSTRACT.

FACTORIES - Administration of the Factories Act and the Organisation of Factory Inspection Services Recommendations of Sir Wilfred Garrett - Orders passed.

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7. The appended letter explaining the action taken or proposed to be taken on the suggestions and recommendations contained in the Report will be sent to Government of India.

(By order of His Excellency the Governor)

Sd. x x x x x x,
Secretary to Government,
7-11-48.

To the Commissioner of Labour (with enclosure)
To All Collectors and Commissioner of Police.
To the Education and Public Health Department.
To the Public Works Department.
To the Home Department

/ True copy

NG.

Office Assistant,
Madras Record Office.

Development Department.

PRESS NOTE.

Sir, Wilfrid Garrett, lately Chief Adviser, Factories has observed in his report on the administration of the Factories Act and organisation of the Factory Inspection Services in India that though amenities and safeguards are provided in factories, in many cases they had fallen out of use due to lack of supervision. He has quoted instances of interlock guards on machines not being used and exhaust draught system not cleaned for weeks. It is as much the duty of the manager to see that these things have attention as it is for him to produce goods. The Government consider that the management of factories should pay greater attention to the provision of amenities and safeguards to weekr workers.

Sir Wilfrid Garrett has also emphasized the necessity for establishing and maintaning in factories a personnel or labour management branch which will deal with questions like the control and improvement of hous sanitation, ration shop, canteens and creche, the provision and control of the physical amenities required under the Factories Act, fair administration of the Maternity Benefit Act, holidays with pay and Wages Act and routine attention to workers grievances, and the ncessity for establishing proper systems of recruitment of labour and eliminating jobbing and contractor systems. The Government consider that these suggestions deserve the careful attention of the managements and hope that prompt steps will be taken to remedy the defects, so that labour management relations may be improved and efficience of labour promoted.

Sd. x x x x x x x;
7-11-48.

Development Department.

Letter No.80199 PIV/47, -10, dated 2-12-48.

To

The Secretary to the Government of India
Ministry of Labour, New Delhi.

Sir,

Sub:- Administration of the Factories Act and the organisation of Factory Inspection Services.

Ref:- Mr.Khanna's letter No.F.A.C.64(1). dated 23-8-47.

I am directed to state that the report of Sir Wifred Garette, lately Shief Adviser Factories wit Government of India on the administration of the Factories Act and the organisation of the Factory Inspection Services, was examined carefully by the Government of Madras. The action taken on the important recommendations and suggestions as detailed in the letter cited is given below:-

(i) Appointment of non-technical inspectors to relieve Technical Inspectors:- There are 22 Inspectors and 3 Inspectresses of Factories in this Province.

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This staff is considered adequate for the enforcement of the provisions of the Act. A large number of Assistant Inspectors of Labour are being appointed for the Administration of the Madras shops and Establishments Act and the Madras Non-Power Factories Act. These are non-technical persons who will work under the Inspectors of Factories and assist them in t he discharge of their duties.

(ii) Appointment of women Inspectors:- There are already three Inspectresses of Factoriesin the Women's Branch of the Madras Factory Service dealing with women and child labour in factories. More Inspectressess will be appointed, when necessary.

(iii) Appointment of full time medical Inspectors:- There are no trained men avaiaable for implementing this recommendation.

(iv) Appointment of wholetime and part-time medical men as Certifying Surgeons:- The recommendation may be re-examined by the Government of India after medical arrangements under the State Insurance Scheme are finalised. Meanwhile, the present practice regarding appointment of Certifying Surgeons may continue.

(v) Setting up of a Medical Board to deal with Pnenumecomiosis:- This may also be considered in connection with medical arrangeents under the State Insurance Scheme.

(vi) Organisation for research into Special Industrial Health problem:- Further report from Government of India regarding the type of organisation to be set up, is awaited.

(vii) Research into working temparatures: Further report from Government of India is awaited.

(viii) Medical and social survey into loss of efficiency through underfeeding, bad housing and other causes:- This recommendation cannot be implemented until the financial position of the Province improves.

(ix) Prevention of accidents:- Further report from Government of India is awaited.

(x) Investigation of accidents:- The Chief Inspctor of Factories has been instructed to enforce strictly Rules 25 to 29 of the Madras Factories Rules, which require that notice of accidents should be given to District Magistrates and or Inspectors of Factories. He has also been instructed to investigate into the causes of all serious accidents expeditiously.

(xi) Expansion or ractory inspectorate:- The Inspectorate has already ben considerablyexpanded.

(xii) Provision of welfare activities:- Provisionsof the law relating to the health and welfare of workers are being strictly enforced and prosecutions are also instituted when there are deliberate infractions. No further action is considered necessary.

(xiii) Separation of Boiler and Factory Inspectorate Service:- In this Province, the Factories and Boiler Departments have been functioning separately for a long time. The Retrenchment and Reorganisation Committee, have, however, recommended the amalgamation of the two Departments. This is under examination.

(xiv) Interchange of Inspectors:- This is not considered necessary. Those Inspectors recently started by the Government of India will have an opportunity to meet officers from other Provinces. Suitable facilities by way of leave will be given to those who wish to visit other Provinces to study the problem at firts hand.

(xv) Pay and transport assistance for Inspectors:- This question is under consideration.

(xvi) Training for new Inspectors:- New Inspectors are now given instructions in methods of inspection. They will be attached to Senior Inspectors for a short period before they are placed in ird ependent charge.

(xvii) Statistics for Annual Reports:- Further report from Government of India is awaited. The Government of Madras are considering the question of setting up of a Central Statistical Bureau.

(xviii) Functions of ex-officio Inspectors:- This suggestion is already being observed strictly.

(xix) Enforcement of Factory Law:- Instructions are being issued to the Prosecuting Staff to move the Courts for adequate sentences for offences under the Factories Act. It is not considered proper to issue instructions to Magistrates

Classification of accidents:- Regarding classification of accidents, the recommendation has already been implemented.

(xx) Amenities for workers:- Orders have already issued regardingthe feeding of employees and labour groups based on the recommendations of the Bhore Committee. A press note is also being issued requesting managements to pay greater attention to the Welfare, food, holddays etc. of labour.

(xxi) Recruitment of labour:- The result of the examination of this question by the Government of India is awaited. The Government of Madras have issued model rules for safeguarding the health and sanitary arrangements for workers employed in Public Works Department and its Contractors . An appeal is also being made to employers to eliminate jobbing and contractor system of labour.

Sd.x x x x x x x x,
7-11-48.

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(True Copy)

G. Gopalasamy
Office Assistant
Madras Record Office

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